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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,496	04/02/2001	Toshiharu Uchida	Q63783	8575

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SUGHRUE, MION, ZINN  
MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.,  
Washington, DC 20037

EXAMINER
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BAYERL, RAYMOND J

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/822,496

Applicant(s)

UCHIDA, TOSHIHARU

Examiner

Raymond J. Bayerl

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4 - 5, 7 - 9, 11 - 12, 15 - 16, 18 - 20, 22 - 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4 - 5, 7 - 9, 11 - 12, 15 - 16, 18 - 20, 22 - 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 1.19(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4 – 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As a result of applicant's 14 February 2005 amendment to claim 1, "the radio communication device" of claim 4 now lacks clear antecedent basis.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 4 – 5, 7 – 9, 11 – 12, 15 – 16, 18 – 20, 22 - 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kariya ("Kariya"; US #6,169,897 B1) in view of Hancock et al. ("Hancock"; US #6,202,023 B1) and Liu et al. ("Liu"; US #6,349,257 B1).

As per independent claim 1's "menu display system" that involves "obtaining menu information linked to an area corresponding to the detected current position" (see also independent claim 12), please note that Kariya's MOBILE COMMUNICATIONS SYSTEM, in having CAPABILITIES TO ACCESS LOCAL INFORMATION RESOURCES, makes connection to a URL list server to obtain a link list page (Abstract), as in "controlling the menu display by using the menu information". More specifically, and as shown in Kariya's fig 1, a terminal 2 makes access to a relevant link list page (e.g., the "hyper text" of claims 9, 20), after which the display unit 2d presents the local URL list to the subscriber (col 4, lines 43 – 63). Please note further the

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example given in Kariya's fig 4 of the local URL list (link list page), as is specific to the West District of Yokohama.

Kariya determines the mobile user's position based upon the location of one of radio base stations 1a – 1n, and is therefore somewhat deficient in its handling of "a menu display in accordance with map data". However, Hancock's INTERNET BASED GEOGRAPHIC LOCATION REFERENCING SYSTEM, in which services are accessed over a computer network, such as the Internet, for users in a mobile environment based on their geographic location (Abstract), makes use of an automatic location identifying (ALI) device, such as a GPS receiver (col 3, lines 1 – 45). Responsive to transmitted location information, Hancock's client is automatically presented with a map of the current geographical area. See also col 9, line 65 – col 10, line 23.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to access and generate a Kariya-style "menu", downloaded to and buffered within a "menu information storage device", on the basis of "map data" and a "detected current position", as per Hancock, because this enables a greater flexibility and precision in the list retrieval accomplished by Kariya, since the Hancock client reports directly upon its "position" to the host system at base station 1306 (fig 13).

Though one might presume that the menuing interfaces of both Kariya and Hancock need to begin operations with a certain quantity of generic information that might suggest claim 1's and 12's new limitations, directed to "predetermined fixed menu

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information" that accompanies the "updated menu information", an **explicit** teaching of such a feature in the combination of those two references is not evident.

However, Liu's SYSTEM FOR PERSONALIZED MOBILE NAVIGATION INFORMATION is one in which choices presented to the user of the navigation system (abstract) contain the initial generic choices such as is shown figs 4 – 6, so as to provide a resulting list that is ordered according to the user's preference (col 7, lines 1 – 17).

Thus, it would have been further obvious to the person having ordinary skill in the art to use a system of "predetermined" and "updated" information in a menuing system like Kariya's when adapted as per Hancock, given that Liu's analogous disclosure is of presenting both generic and position-specific navigation information to a mobile user.

The "radio communication device" of claims 4, 15 is clearly taught by ~~/~~ Hancock (col 24, lines 14 – 38), and the "center side server" is to be found in the primary server 1314 depicted in Hancock's fig 13. The connection between Hancock's base station 1306 and the primary server is "the Internet" 1318, as in claims 5, 16. RB

In traversing the menu structure of Liu, a "menu selecting device" as in claims 7, 18 is needed, so as to access the various screens of the system and provide the proper and relevant combination of "fixed" and "updated menu information". This "selecting device" (claims 8, 19) "can select any one of a plurality of kinds of the updated menu information", since various options for roadside services can be found in Liu.

Claim 11, which uses a "radio communication" connection through a "center side server" is rejected using a line of reasoning similar to the one that applies to claim 4.

Independent claim 22 also produces a "fixed" and "additional menu information" display via a position reported to the "center side" server, but also "through the Internet", and is thus rejected using a line of reasoning similar to that presented for claim 5 above.

As per claims 23, 24, 28, in which "an event information at a neighborhood of the current position" is indicated, please note that Kariya also refers to EVENTS in the local URL list (fig 4).

New independent claim 25's "menu display apparatus" is one in which "position detection" (as in Hancock) is used to obtain "an additional menu option" (as in Kariya) that is displayed "with the predetermined menu option" that appears "regardless of an area" (as in Liu).

As per claim 26's reception of "additional menu information from a source remote from the movable body"; this reads upon Kariya, who similarly accesses "remote" information from a "movable body". In combination with Hancock, the "additional menu information" as Liu might present varies "when the movable body enters the particular area" (claim 27).

New independent claim 29's "menu information providing apparatus" embodies a "transmitter" and "memory that stores additional menu information relating to an event occurring in a particular area in which the transmitter is located", but this again reads upon the primary server arrangement found in Hancock, when used to forward "additional menu information" as in the "additional" display of Liu, to a receiving subscriber (at the "mobile body") in Kariya.

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5. Applicant's arguments filed 14 February 2005 have been fully considered but they are not persuasive.

At page 10 of the remarks, "Applicants submit that the claims are patentable over the cited references", and provides a brief description of the invention as it appears in claim 1. However, there is nothing persuasive in the substantively-unsupported argument that "Kariya and Hancock (alone or in combination) do not suggest the features recited", given that Kariya shows the downloading of lists of pertinent information, which would obviously arise from a position-determining central server arrangement of Hancock for the reasons stated above.

At page 11, applicant simply argues that "Lui [sic] does not cure the deficient teachings of Kariya and Hancock", when Liu in fact shows the combination of menu contents into a customized menu that is destined for PERSONALIZED MOBILE NAVIGATION.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:00 AM to 4:00 PM ET.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.

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8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

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MAR 1 1995  
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RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173

3 March 2005